

**Order of Items**  
**DeSoto County Planning Commission**  
**May 1, 2003**

- 1. Invocation**
- 2. Roll Call**
- 3. Approval of Minutes**                      **Minutes will be prepared for next month**

**MINOR LOT SUBDIVISIONS**

4. Turner Minor Lot (6139) – Application 1 lot on 3.5 acres. Subject property is located on the south side of Fairview Road and east of Red Banks Road, zoned Agricultural. Section 32, Township 2, Range 5
5. Joyner Minor Lot (6143) – Application is for 1 lot of 5.0 acres from 19.66 acres. Subject property is located on the south side of Fairview Road and west of Red Banks Road, zoned Agricultural. Section 31, Township 2, Range 5
6. Lester Minor Lot (6146)(Addition to the White Minor Lot Case #5158) – Application is for an addition of .5 acres to an existing 2.5 acre minor lot. Subject property is located on the south side of Barbee Road and west of Highway 301, zoned Agricultural. Section 28, Township 3, Range 9
7. Dunlap Minor Lot (6147) (Revision of Shackelford Minor Lot Case #5836) – Application is for 2 lots of 1.5 acres and 3.3 acres. Subject property is located on the south side of Byhalia Road and east of Box Corner Road, zoned Agricultural. Section 1, Township 3, Range 6
8. Sheltolee West Lot 18 – Walter Hopper (6148) – Application is for 1 lot of 2.0 acres. Subject property is located on the north side of Sheltolee Trail and east of Massey Road, zoned Agricultural. Section 33, Township 3, Range 6
9. White Minor Lot (6150) – Application is for 1 lot of 3.0 acres. Subject property is located on the west side of Red Banks Road and south of Ingrams Mills Road, zoned Agricultural. Section 19, Township 3, Range 5
10. Farris Minor Lot 1<sup>st</sup> Addition – Application is for 1 lot of 2.01 acres. Subject property is located on the east end of Anthony Drive and south of Star Landing Road, zoned Agricultural-Residential. Section 19, Township 2, Range 7

**MAJOR SUBDIVISIONS**

11. Lakes of Delta Bluffs Phases 7 & 8, Area L (6144) – Application is for preliminary subdivision approval of 34 lots on 81.65 acres. Subject property is located on the north side of Goodman Road and east of Highway 61, zoned Planned Unit Development. Section 27, Township 15, Range 9
12. Lakes of Delta Bluffs Phases 9 – 13, Area I (6145) – Application is for preliminary subdivision approval of 97.13 lots on 117 acres. Subject property is located on the east side of Highway 61 and north of Goodman Road, zoned Planned Unit Development. Section 27, Township 15, Range 9

## **OVERLAY MASTER PLAN AMENDMENT**

13. Belmor Lakes R-40 Overlay (611) – Application is to revise an existing overlay plan by eliminating a stub road into an adjoining property. Subject property is located on the south side of College Road and east of Highway 305.

Section 16, Township 2, Range 6

**REQUEST TO TABLE WAS SUBMITTED BY APPLICANT**

## **OTHER ITEMS**

1. 2010 Comprehensive Plan Amendment Study Request – An applicant has requested staff to conduct a plan amendment study to change an area from Rural Density to Low Density Residential. Subject property is located on the south side of Holly Springs Road and east of Jaybird Road.
2. Proposed Tax Increment Financing Plan for DeSoto County/Southaven
3. **REMINDER:** Mississippi APA – Planning Commissioner Training May 8, 2003 at the DeSoto County Museum on Commerce Street in Hernando  
**(DeSoto County has the largest Planning Commission therefore I would like for us to have the best turnout)**
4. Mid South Zoning Institute – Friday, May 2, 2003
5. Change in Building Codes Institute from Southern Building Code Congress Institute (SBCCI) to the International Code Congress (ICC)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, May 1, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present were Paul Whitfield, Claudia Niebanck, Mitch Mitchell, Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Leonard Lindsey, and Mike Robison. Planning Commission Staff included Merritt Powell, Director of the DeSoto County Planning Commission, Michael Garriga, DeSoto County Planner, Jim McDougal, DeSoto County Transportation Coordinator, Andy Swims, County Engineer, Scott Young, Assistant County Engineer, Denise Dingman, Planning Commission staff and Bobby Chamberlin, County Attorney.

Chairman Mike Robison called the meeting to order at 7:00 p.m., he then stated today is a National Day of Prayer, he asked Mr. Jimmy Maxwell & Larry Sykes to lead the Commission in prayer.

There were no minutes to be approved.

Mr. Garriga informed the board that he will be using the GIS and computer for his presentations tonight.

### **MINOR LOTS**

14. **Turner Minor Lot (6139)** – Application 1 lot on 3.5 acres. Subject property is located on the south side of Fairview Road and east of Red Banks Road, zoned Agricultural.  
Section 32, Township 2, Range 5
15. **Joyner Minor Lot (6143)** – Application is for 1 lot of 5.0 acres from 19.66 acres. Subject property is located on the south side of Fairview Road and west of Red Banks Road, zoned Agricultural.  
Section 31, Township 2, Range 5
16. **Lester Minor Lot (6146)(Addition to the White Minor Lot Case #5158)** – Application is for an addition of .5 acres to an existing 2.5 acre minor lot. Subject property is located on the south side of Barbee Road and west of Highway 301, zoned Agricultural.  
Section 28, Township 3, Range 9
17. **Dunlap Minor Lot (6147) (Revision of Shackelford Minor Lot Case #5836)** – Application is for 2 lots of 1.5 acres and 3.3 acres. Subject property is located on the south side of Byhalia Road and east of Box Corner Road, zoned Agricultural.  
Section 1, Township 3, Range 6
18. **Sheltowee West Lot 18 – Walter Hopper (6148)** – Application is for 1 lot of 2.0 acres. Subject property is located on the north side of Sheltowee Trail and east of Massey Raod, zoned Agricultural.  
Section 33, Township 3, Range 6
19. **White Minor Lot (6150)** – Application is for 1 lot of 3.0 acres. Subject property is located on the west side of Red Banks Road and south of Ingrams Mills Road, zoned Agricultural.  
Section 19, Township 3, Range 5

20. **Farris Minor Lot 1<sup>st</sup> Addition** – Application is for 1 lot of 2.01 acres. Subject property is located on the east end of Anthony Drive and south of Star Landing Road, zoned Agricultural-Residential.  
Section 19, Township 2, Range 7

Mr. Garriga announced the above items and stated that minor lots 4-9 conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. Mr. Sykes made a Motion to approve lots 4-9. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Garriga continued saying that the **Farris minor lot 1<sup>st</sup> addition** needs some discussion. He began by saying about 6 months ago there was a submission of an application for lot approval with the stipulation that there be no further division of the land, the Planning Commission recommend to deny the application but the Board of Supervisors overturned that decision and approved the application (#6082). It was believed by the Board of Supervisors that Mr. Hardwick did not understand what he was signing and did not understand the stipulation. It has been platted and recorded. Mr. Farris came into the office yesterday and asked that this application be submitted to the Planning Commission Board. Mr. Garriga accepted the application, per Mr. Farris request. Mr. Garriga continued saying, technically the lot has legal access, but it is not a road. The property is land locked. Mr. Hardwick is the current landowner, this is his division.

Mr. Lindsey asked how long the easement is? Mr. Garriga responded by saying it is about 877' in length. Mr. Lindsey stated he understands this easement has already been approved, but the easement is already over the legal length.

Mr. Garriga said it is the Planning Commission's policy that we accept minor lot applications through the Wednesday before the Thursday Planning Commission meeting. He explained to Mr. Farris that this application may not be resolved at tonight's meeting due to the situation.

There was some general discussion of where a road could be built and road right of way and access to this lot. A decision could not be made, due to the layout of the property and the surrounding area.

Ms. Niebanck then asked if Mr. Farris would be open to modifications with the lot and road? Mr. Garriga responded saying he does not think so.

Mr. Robison entertained a Motion. Mr. Lindsey made a Motion to deny this application based on the lack of access to the lot and because the easement exceeds the maximum allowable length under the DeSoto County Subdivision Regulations (600'). Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

## **MAJOR SUBDIVISIONS**

**Lakes of Delta Bluffs Phases 7 & 8, Area L (6144) – Application is for preliminary subdivision approval of 34 lots on 81.65 acres. Subject property is located on the north side of Goodman Road and east of Highway 61, zoned Planned Unit Development. Section 27, Township 15, Range 9**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Lindsey asked how long the cu-de-sac is? Mr. Garriga said over 500' (allowable limit).

Mr. Dalhoff began his presentation by saying this is an amended site plan, the original plan was presented and approved with, ETI Engineering representing the developer. He continued by saying, there is now interconnection between the roads. When laying out this property for the subdivision, we went out, looked and studied the property. The topography is such that significant grading would be required to accommodate road circulation. This could cause environmental issues.

Mr. Robison asked if there is going to be a boulevard. Mr. Dalhoff said there would not a boulevard, this will be a second entrance, which will be landmarked stating this is an inter access. He continued saying, he was trying to be sensitive to the land and had to wiggle this plan around so that it would look right that is why there is not a interconnection. Mr. Robison then asked about the connection of the future phase. Mr. Garriga said if they could make it work, it would be great, but the ordinance does allow for changes due to terrain and topography.

Mr. Mitchell said he would like to see the creek undisturbed as much as possible. The board members agreed.

Mr. Robison asked if this is a preliminary application? Mr. Garriga responded by saying “yes”, each phase is being looked at individually because the original site plan was never approved and the PUD approval was conceptual.

Mr. Robison asked if there was any here for or against this application.

1. Mr. Westmoreland – He stated that he is pleased Mr. Dalhoff’s firm is in charge of this project, he believes he will do a good job.

Mr. Mitchell said these are beautiful lots he then asked Mr. Dalhoff if he agrees with staff comments. Mr. Dalhoff said he agrees with the staff recommendations except numbers 4 & 5.

Mr. Sykes commented saying, people are looking for large lots, this project has nice large lots, he thinks this is a nice development.

Mr. Robison entertained a Motion. Mr. Mitchell made a Motion to approve this application with staff recommendations with the exceptions of numbers 4 & 5, but with

the addition of the additional 2 access points and with the changes in the area. Mr. Sykes seconded the Motion. The Motion was passed by a unanimous vote.

**Lakes of Delta Bluffs Phases 9 – 13, Area I (6145) – Application is for preliminary subdivision approval of 117 lots on 97.31 acres. Subject property is located on the east side of Highway 61 and north of Goodman Road, zoned Planned Unit Development. Section 27, Township 15, Range 9**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. Mr. Garriga did say that there is a concern regarding the roads and that there is 1.5 miles to the nearest access point at Goodman Road, this could be a three mile round trip for buses, mail trucks and garbage trucks. He then recognized Mr. Bob Dalhoff as being present to represent the application.

Mr. Williams asked if the land by Highway 61 between the bluff was commercial? Mr. Dalhoff replied saying, it is a public park and there is only one access point through this part of the development. Mr. Dalhoff continued by saying there is a tremendous amount of wetlands and with the topography it would be hard to build a road connecting to Highway 61. The park (Area E) was originally approved as a public park, we do not want the park to be a part of the private lake or for the public to use the lake for liability reasons and the residents of the subdivision pay into an association. He continued by saying, people that would be at the park would have to begin from a dead stop and there is excessive high speed along Highway 61, it is not safe. It would be safer for residents to use Goodman Road and access Highway 61 from the interchange. This is what the interchange is for. Mr. Dalhoff gave the location of the road and said it there would be a gate that would be locked in case of an emergency. Mr. Robison had concerns regarding a locked gate that would have to be used for emergencies and the time it would take to open that gate. Mr. Lindsey said when there are public roads in a subdivision, people will drive through even if they do not live in that subdivision. There was also a concern with schools buses and how they would get in and out of this subdivision. Mr. Dalhoff said the school buses could loop around so that they may pick up kids on the other side.

Mr. Lindsey stated, the site review committee made a suggestion that the road not go to Highway 61, instead go to DeSoto Road. There was then general discussion regarding the location of the road.

Mr. Robison stated the application came in as a package, and the subdivision regulations require 2 points of access. Mr. Sykes asked if a road could be built across the dam. Mr. Dalhoff said “no”. Mr. Sykes then suggested the road go over or below the dam. Mr. Lindsey suggested for the road to come in around DeSoto Road. At this point there was then discussion regarding the location of the road and the safety of a road on or below the dam. It was decided that a road going to DeSoto Road was the best alternative.

Mr. Robison then read a portion of the minutes regarding the park where it states the park will be donated to the county as a public park if the county accepts it. Mr. Mitchell then talked about the wetlands and streams in this park area. Mr. Lawhon then stated that Delta Bluffs should keep the park as a private park, because the county does not have a Park & Recreation Department neither do they have funds for maintenance of the park.

Mr. Mitchell stated he would like the open space on top of the bluff be left undisturbed. He added, he thinks this is a better plan than what was originally presented.

Mr. Robison then asked if there was anyone here for or against this application, there was none. He then entertained a Motion.

Mr. Sykes made a Motion to approve this application with the following stipulations:

1. The addition of a road to DeSoto Road;
2. The park be left undisturbed;
3. The park to a part of the Lakes of Delta Bluff Subdivision Homeowners Association.

Mr. Lindsey seconded the Motion. The Motion passed by a unanimous vote.

### **OVERLAY MASTER PLAN AMENDMENT**

**Belmor Lakes R-40 Overlay (611) – Application is to revise an existing overlay plan by eliminating a stub road into an adjoining property. Subject property is located on the south side of College Road and east of Highway 305. Section 16, Township 2, Range 6.**

#### **REQUEST TO TABLE WAS SUBMITTED BY APPLICANT**

Mr. Garriga began stating he has a letter from the applicant requesting this application be tabled.

Mr. Lindsey made a Motion to table this application. Mr. Maxwell seconded the Motion. The Motion passed by a unanimous vote.

### **OTHER ITEMS**

**2010 Comprehensive Plan Amendment Study Request – An applicant has requested staff to conduct a plan amendment study to change an area from Rural Density to Low Density Residential. Subject property is located on the south side of Holly Springs Road and east of Jaybird Road.**

Mr. Garriga presented the information and stated Mr. Dugan has presented a PUD application, which does not conform to the 2010 Comprehensive Plan Land Use Map. He added, Mr. Dugan has submitted a letter to amend the comprehensive plan and land use map. Mr. Garriga gave the location of the area for amendment, he stated he is not asking the Planning Commission to make a decision on this amendment. This request is to decide weather or not this board thinks a study should be done for a map amendment and if so, present the study results to the Planning Commission Board at a later date for a decision.

Mr. Lindsey then asked the status of the 2030 Comprehensive Plan. Mr. Garriga responded by saying, we are working on it, and it will be at least another 7-9 months, Mr. Powell added, the county is currently working with Hernando & Olive Branch which makes it more complex.

Mr. Robison asked if the Planning Commission is finished with the map density criteria? Mr. Garriga said “yes”, but there are still a few issues that must be addressed.

Mr. Garriga then recognized Mr. Jim Dugan as being present to represent the request.

Mr. Dugan began by saying the 2010 Comprehensive Plan is just a guide for development. He then stated when looking at the site area, there is low density, it is not rural, he then explained the surrounding area (Edgewater, Tara Lakes, Pecan Ridge subdivisions, roads, etc). In addition, the county is building a waste water treatment plant in this area. Mr. Dugan continued by saying development follows two things, that is sewer and roads. The Planning board is making policies that are not rural. The area has developed with larger sites without sewer, but believes future development will be smaller lots because sewer will be available. This area also has access to the City of Hernando and the eastern leg of I-69/304 with public sewer and water. Mr. Dugan then gave the definition of land use. Holly Springs Road to Getwell Road is proposed as a major road and I-69 (Hwy 305 E) will be paved by 2015. Holly Springs Road and Getwell will be a major intersection. The area is transitioning from rural to low density residential. Mr. Dugan then showed the site as it relates to the area on the 2010 land use plan map and believes this to be a clear area for low density. He said this particular site is a better transition for the boundary rather than Holly Springs Road. This would provide for compatible land use on both sides of Holly Springs Road.

Mr. Mitchell then asked where the current limits are for the City of Hernando. Mr. Garriga pointed to the location. Mr. Mitchell then asked when the surrounding subdivisions were approved. Mr. Powell responded by saying 8 – 10 years ago. Mr. Garriga said he agrees with what Mr. Dugan had said, and to keep in mind when the maps were made for the 2010 comprehensive plan that did not have digital parcel information. There are some areas in the county where transitions are low density on both sides of the road and gave Pleasant Hill Road by Bridgetown as an example. Mr. Garriga reiterated that the comprehensive plan is just a guide and land use is used to accommodate population growth.

Mr. Sykes spoke stating if the 2030 comprehensive plan is low density, why change the current plan? He then asked if Mr. Dugan is requesting a land use change because he has a proposal in mind. Mr. Garriga said “yes”, he has a proposal in mind.

Mr. Mitchell asked about the priority roads and road right of way. Mr. Garriga responded by saying all section line road will have 106’ of road right of way for future expansion, but when that is going to be expanded, he does not know. He then explained the priority roads and location of these roads.

Mr. Robison commented that if any areas change from rural to low density, we need to be careful, it may not be fair to surrounding areas.

Ms. Niebanck said the overall area seems to have had good planning, and she is not sure if this can be discussed tonight. Ms. Niebanck we are not questioning the veracity of the study, but the way the presentation went, and we construed to seeking an approval of that letter, as opposed to our objecting to the study.

Mr. Powell responded by saying, the only question tonight is, weather or not a study should be done. Mr. Dugan stated an error needs to be corrected, and the error being that this was sharply defined as center of the road. Mr. Lindsey responded by saying, if we amend the plan or any plan, it sets a precedence for everyone else. Mr. James stated maybe the error was across the street, as it was developed.

Mr. Robison stated he does not see the need for the change at this time. Ms. Niebanck added, if we say o.k. to do this study, it also imposes our staff, which she is not sure if that would be fair to them.

Mr. Whitfield then asked when the 2030 Comprehensive Plan would be adopted? Mr. Powell responded by saying hopefully January, 2004. Mr. Whitfield then stated if nothing is happening in this area now, why not wait until our new comprehensive plan is adopted.

Mr. Robison asked who would be in favor of a special hearing in 2 months regarding a map amendment. Mr. Garriga replied saying he would be ready by the next Planning Commission Meeting. He added there would be a public hearing here, then a recommendation to the Board of Supervisors and be heard in a public hearing. There was only one in favor of this.

Mr. Maxwell spoke stating, we are already dealing with the Comprehensive Plan and thinks this would be a mistake, the public will be confused. He then suggested to wait for the 2030 Plan, since this plan is not an emergency situation. Mr. Dugan replied stating the new comprehensive plan was to be done over a year ago, and what if it get put off again and another year goes by. Mr. Maxwell responded by saying it seems we are currently on target and if by January 2004 we are not finished, then we should look at then.

Mr. Robison asked who is in favor of the applicant's request. There was one. He then asked who is in favor of staying on course with the comprehensive plan. There was 8.

### **Proposed Tax Increment Financing Plan (TIF) for DeSoto County/Southaven**

Mr. Garriga began by saying he is going to turn the floor over to Mr. Bobby Chamberlin, DeSoto County Board Attorney.

Mr. Chamberlin began by giving background information on the TIF plan. He then stated this meeting is to only decide weather or not the redevelopment plan is in conformity with the goals and objectives of the 2010 Comprehensive Plan. He then gave the purpose of the statute. The City of Southaven came before the board and asked if the county would go in half with the City of Southaven in regards to the town center mall project. This does not mean the county will be funding the project. The county and the city will be pledging ½ of increased taxes on real property. Mr. Chamberlin said the TIF is a very common thing. The statue requires a redevelopment plan, which is an adoption of a plan through the Board of Supervisors. This gives the county the right to do the TIF, but this cannot be done unless the redevelopment plan is adopted. If the Planning Commission Board finds this plan to be in conformity, it will go before the Board of

Supervisors on May 5, 2003. Once the redevelopment plan is adopted, then a specific plan will be adopted for this project. He continued by saying, the county may want to do this in the future. The county is doing this to participate, which gives them a redevelopment plan.

Mr. Chamberlin further stated the only thing needed from this board is a letter confirming that the redevelopment (TIF) plan is not contradictory to our Comprehensive Plan. He added, in his legal opinion this plan is not contradictory to the Comprehensive Plan.

Mr. Whitfeild asked if this is property tax or sales tax. Mr. Chamberlin said it is real and personal property taxes. He added, the state is going to contribute 5 million in bonds and the developer will also have to contribute.

Mr. Mitchell asked why would the county want to participate? Mr. Chamberlin responded saying they may not, but they have to receive the letter to even consider the plan.

Mr. Chamberlin also provided a draft copy of the letter that needs to be signed by the Planning Commission Chairman, which would then go before the Board of Supervisors. He added, this would have to be a interlocal agreement between the county and the city.

Mr. Sykes made a Motion to allow the Chairman of the Planning Commission Board to sign the letter prepared by Mr. Chamberlin's office with the stipulation that paragraph 4 of the draft letter be removed, with the findings that this is does not conflict with the comprehensive plan. Mr. Mitchell seconded the Motion. The Motion passed with a unanimous vote.

**REMINDER: Mississippi APA – Planning Commissioner Training May 8, 2003 at the DeSoto County Museum on Commerce Street in Hernando  
(DeSoto County has the largest Planning Commission therefore I would like for us to have the best turnout)**

Mr. Garriga announced that this is a free training session for the Planning Commission members, and their session is from 9:00a.m. – 12:00p.m. He then encouraged all members to attend.

**Mid South Zoning Institute – Friday, May 2, 2003**

Mr. Garriga announced this meeting, stating that any Planning Commission member can attend, and be reimbursed through the county. He also encouraged the members to attend this meeting.

**Change in Building Codes Institute from Southern Building Code Congress Institute (SBCCI) to the International Code Congress (ICC)**

Mr. Merritt then informed the board that the Southern Building Code Congress Institute (SBCCI) is now the International Code Congress (ICC). The SBCCI is no longer in effect.

There being no further business in front of the Commission, the Planning Commission adjourned at 9:30 p.m. These Minutes were recorded and transcribed by Denise Dingman.